

STATE OF MICHIGAN  
COURT OF APPEALS

UNPUBLISHED

August 12, 2010

In the Matter of BREEDING-ROSE/BREEDING,  
Minors.

No. 296279  
Oakland Circuit Court  
Family Division  
LC No. 09-762370-NA

Before: M.J. KELLY, P.J., and MARKEY and OWENS, JJ.

PER CURIAM.

Respondent appeals as of right the orders of the trial court terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(g), (i), and (j). This appeal has been decided without oral argument pursuant to MCR 7.214(E). We affirm.

We reject respondent's contention that the trial court clearly erred by finding that termination of her parental rights was in the best interests of the children. Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court is required to affirmatively find that termination is in a child's best interests before ordering termination. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000).

In this case, the record supports the trial court's finding that termination of respondent's parental rights was in the children's best interests. Respondent had long-term substance abuse and mental health issues. In 1996, as a result of her substance abuse and mental health issues, respondent's parental rights to another child were terminated after she was provided extensive services but failed to comply with the services or to benefit from them. In 2004, her second child tested positive at birth for marijuana, and again respondent was provided services to address her substance abuse and mental health issues, but failed to comply with the services. Though her parental rights to the second child were not terminated at that time, the child was placed in the custody of his father and respondent's contact was virtually nonexistent. When respondent's third child was born in August 2009, the child tested positive for marijuana and respondent admitted using marijuana during the pregnancy.

After the third child was removed from her care, respondent consistently tested negative in her drug screens from August 2009 through December 2009. There was no indication of an improvement in respondent's mental health, however, and respondent continued to experience anxiety and depression. The psychologist evaluating respondent believed her to be unlikely to function appropriately in most situations. In addition to her substance abuse and mental health issues, respondent had no legal source of income and no independent housing. We conclude that

though some testimony on the record urged that respondent be given more time to show her readiness to parent, ample evidence on the record supports the trial court's finding that termination was in the best interests of the children.

Affirmed.

/s/ Michael J. Kelly  
/s/ Jane E. Markey  
/s/ Donald S. Owens